

**New York State Department of Environmental Conservation**

**Office of General Counsel, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2048 • Fax: (518) 357-2087

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7012 3050 0000 4246 3986

February 7, 2014

Village of Athens  
Mayor Christian Pfister  
2 First Street  
Athens, New York 12015  
[christianp@mhicable.com](mailto:christianp@mhicable.com)

Re: Modification of Order on Consent  
Athens (V), Greene County  
R4-2001-0313-35M5

Dear Mayor Pfister:

Enclosed please find a copy of the fully executed Modification of Order on Consent referenced above.

Sincerely,

Richard Ostrov  
Regional Attorney  
Region 4

Enclosure

cc: D. Thorsland

# New York State Department of Environmental Conservation

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Joe Martens  
Commissioner

January 31, 2014

Village of Athens  
Mayor Christian Pfister  
2 First Street  
Athens, New York 12015  
[christianp@mhcable.com](mailto:christianp@mhcable.com)

Re: Request to Modify Order on Consent  
R4-2001-0313-35  
Athens (V), Greene County

Dear Mayor Pfister:

The Village consultant, Delaware Engineering, has requested that the referenced Order be lifted based on the I&I rehabilitation work that has been completed to date. The letter request documents that the Village expanded the scope of the I&I rehabilitation work for both the sewer pipes and manholes and as of November 21, 2013, the Village completed lining 8,865 linear feet of sewer pipe well beyond the “up to 2,000 linear feet” required. However, according to the letter, the Village was not able to complete the manhole work for “up to 9 manholes” because of cold weather and during the spring will complete the rehabilitation of up to 36 manholes.

The Order imposed a moratorium on the Village until all the work under the Order was completed. The intent of the moratorium is to ensure that the WWTP and its collection system are capable of accepting flows within permit limits. Although the Department cannot lift the Order until all the work is completed, it finds that the Village has exceeded the Order’s I&I removal objectives due to its extensive sewer pipe lining work and that the basis for the moratorium no longer exists and that the moratorium should be lifted. The moratorium will be lifted upon the effective date of this letter modification which will be the date the letter is signed by both you and the Regional Director.

The Department also finds good cause to extend the compliance deadline for the completion of the manhole work until June 1, 2014. All other terms, conditions and provisions of the Order, except as modified by this letter or determined in this letter to be no longer applicable, shall remain in full force and effect.

Please return this signed and notarized letter to the Department by February 10, 2014. Delaware Engineering should call Derek Thorsland at 357-2219 if they have any technical questions regarding this letter. They should also notify Mr. Thorsland in writing when the manhole work is completed. Please call me if you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'ROSTOV', with a long horizontal line extending to the right.

Richard Ostrov  
Regional Attorney

cc: D. Thorsland

**Modification of Order on Consent**

**R4-2001-0313-35**

**Village of Athens**

Whereas:

- 1) The Department and the Respondent agree to extend until June 1, 2014 the compliance deadline in the Order on Consent for Respondent completing all required manhole rehabilitation work. Respondent shall notify the Department in writing upon the completion of the work.
- 2) The effective date of this Modification of the Order on Consent is the date the Regional Director signs the Modification.
- 3) The Sewer Moratorium imposed under the Order on Consent's Schedule of Compliance is rescinded.
- 4) All terms, conditions and provisions of the Order on Consent remain in full force and effect except as to the modifications identified herein.

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Modification of Order on Consent, waives its rights to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

BY: *Christian H. Pfister*  
TITLE: *Mayor, Village of Athens*  
DATE: *2/4/14*

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF *Greene*                )

ACKNOWLEDGMENT

State of New York                    )  
  )ss:  
County of *Greene*                 )

On this day of *4*, 2014, before me personally came *Christian H. Pfister*, to me known, who being by me duly sworn did depose and say that ~~(s)~~he resides in *Athens, New York*, that ~~(s)~~he is *Mayor* of the municipality described in and which executed the foregoing instrument, and that ~~(s)~~he signed his/~~her~~ name as authorized by said municipality.

*Linda M. Stacey*  
Notary Public

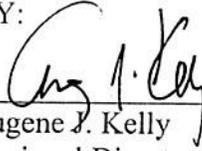
LINDA M. STACEY  
Notary Public, State of New York  
Qualified in Greene Co. No. 4797284  
My Commission Expires Dec. 31, *2017*

DATED:

2/6 , 2014  
Rotterdam, New York

Joseph Martens  
Commissioner  
New York State Department of  
Environmental Conservation

BY:



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Eugene J. Kelly  
Regional Director  
Region IV